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SERIES I No. 28

OFFICIAL GAZETTE GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY No. 2

Department of Urban Development

Notification

11/46/2017-DMA/2025

In exercise of the powers conferred by sub-section (1) and clause (v), (w), (x), (y), (zf) of sub-section (2) of section 84 of the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Goa Real Estate (Regulation and Development) (Appellate Tribunal Members, Officers and Employees Appointment and Service Conditions) Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016);

(b) “Appellate Tribunal” means the Goa Real Estate Appellate Tribunal established under sub-section (1) of section 43;

(c) “Form” means the Form appended to these Rules;

(d) “Government” means the Government of Goa;

(e) “member” means the member of the Appellate Tribunal;

(f) “section” means section of the Act;

(g) “Selection Committee” means the Selection committee specified in sub-section (3) of section 46;

(h) “State” means the State of Goa.

(2) Words and expressions used and not defined in these Rules but defined in the Act, shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

Appointment of Members

3. *Appointment of Members of the Appellate Tribunal.*— (1) The Government shall make a reference to the Selection Committee for appointment of Members or when any vacancy in the office of the member arises, or likely to arise, in the Appellate Tribunal.

(2) The Selection Committee may, for the purpose of selection of the Members, follow such procedure as it may deem fit.

(3) The Selection Committee shall make a recommendation to the Government in the form of a select list of not more than three persons in the order of preference, to fill the vacancy or vacancies of the member/ members referred to by the Government, in each category.

(4) The Selection Committee shall make its recommendations to the Government, within a period of sixty days from the date of reference made under sub-rule (1).

(5) The Selection Committee shall normally hold its meetings at Panaji or at such place in the State, as may be decided by the Chairperson of Selection Committee.

(6) The Notice/Agenda, as the case may be, for the meeting of the Selection Committee shall be issued by the convenor after fixing the date and venue for such meeting in consultation with the Chairperson of the selection committee.

(7) The Secretary-in-charge of the Urban Development Department shall be the convenor of the Selection Committee.

4. *Appointment of Members.*— The Government shall consider the recommendations of the Selection Committee for the appointment of Members in the order of preference as recommended by the Selection Committee. If the Government appoints person not according to such order of preference, the Government shall record the reasons in writing therefor.

CHAPTER III

Salary and Allowances

5. *Salary and allowances and other conditions of service of Chairperson and Members of the Appellate Tribunal.*— (1) The salaries and allowances payable to the

Chairperson and Members of the Appellate Tribunal shall be as follows:—

(a) The Chairperson shall be paid a monthly salary equivalent to the Judge of a High Court.

(b) Member shall be paid a monthly salary equivalent to that of the Chief Secretary of the Government.

(2) *Leave.*— The Chairperson and every Member shall be entitled to thirty days of earned leave for every year of service.

(3) *Leave Sanctioning Authority.*— Leave Sanctioning Authority in case of,—

(a) the Chairperson shall be the Chief Justice of High Court of Bombay; and

(b) the Member shall be the Chairperson.

(4) The other allowances and conditions of service of the Chairperson and the Members of the Appellate Tribunal shall be as per the Order issued by the Government, from time to time:

Provided that, such entitlement shall not be less than what he is otherwise eligible in case of serving Government servant.

6. *Term of office.*— (1) The term of office of the Chairperson and Members of the Appellate Tribunal shall be as specified in section 47.

(2) When the Chairperson is unable to discharge his functions owing to death, resignation, absence, illness or any other cause, the senior-most Judicial Member (in order of appointment) of the Appellate Tribunal holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions or till such vacancy is filled.

7. *Oath of office and secrecy.*— (1) Every person appointed as the Chairperson of the Appellate Tribunal shall, before entering upon

his office, make and subscribe an Oath of Office and Secrecy, in Form I and Form II, respectively, appended to these Rules, before the Chief Justice of the High Court of Bombay.

(2) Every person appointed as a Member shall, before entering upon his office, make and subscribe an Oath of Office and Secrecy, in Form I and Form II, respectively, appended to these Rules, before the Chairperson of the Appellate Tribunal.

8. *Declaration of financial or other Interest.*— Before appointment, the Chairperson and the Members shall give an undertaking in Form III appended to these Rules, that they does not and will not have any such financial or other interest as is likely to affect prejudicially their functions as such Chairperson or Member.

CHAPTER IV

Procedure for inquiry and removal of Chairperson and Members

9. *Procedure of inquiry.*— (1) Whenever the Government is of the opinion that there is reasonable ground for making an inquiry against the Chairperson or Member on the grounds specified in sub-section (1) of section 49, the Government may, after consulting Chief Justice of the Bombay High Court, appoint a Judge of the High Court for the purpose of conducting such inquiry.

(2) The Government shall inform the charges against the Chairperson or Member, as the case may be, to the Judge so appointed.

(3) The Government shall forward to the Judge so appointed, copies of,—

(a) the statement of charges against the Chairperson or Member, as the case may be; and

(b) material documents and other evidences relevant to the inquiry.

10. *Manner of Inquiry.*— (1) The Judge so appointed, shall deliver or cause to be

delivered to the Chairperson or Member, as the case may be, a copy of the statement of charges and a list of documents, if any, and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(2) The Judge shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of place and time of the enquiry.

(3) The Judge shall have, for the purposes of discharging his functions under these Rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (Act 5 of 1908), while trying a suit, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of document;

(c) receiving evidence on affidavits; and

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (Act 1 of 1872), requisitioning any public record or document or copy of such record or document from any office.

(4) Where it is alleged that the Chairperson or Member is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may take necessary action as deemed fit for the medical examination of the Chairperson or Member, as the case may be.

(5) After the conclusion of the inquiry, the Judge shall submit his report to the Government stating therein his findings and the reasons thereof on each charges separately with such observations as he thinks fit. The report of inquiry shall be submitted to the Government along with the finding of the inquiry clearly indicating the allegations that are proved or otherwise.

(6) On the basis of the report of the inquiry so received from the Judge the Government shall by Order decide either to remove or otherwise the Chairperson or Member, as the case may be.

CHAPTER V

Conditions of Service of Officers and other employees of the Appellate Tribunal

11. *Salary and allowances of officers and employees of the Appellate Tribunal.*— The Government shall lay down the salary, allowances and other terms and conditions of the officers and employees of the Appellate Tribunal as and when they are appointed in consultation with the Chairperson of the Appellate Tribunal.

FORM-I

(See rule 7)

Form of Oath of Office for the Chairperson/ /Members of the Goa Real Estate Appellate Tribunal

I,, having been appointed as the Chairperson/Member (strike out whichever is not applicable) do hereby solemnly affirm/swear in the name of God, that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (strike out whichever is not applicable) of the Goa Real Estate Appellate Tribunal, to the best of my ability, knowledge and judgement, without fear or favour, affection or ill-will.

(Name of the Chairperson/Member)
Goa Real Estate Appellate Tribunal.

Dated:

FORM-II

(See rule 7)

Form of Oath of Secrecy for the Chairperson/ /Members of the Goa Real Estate Appellate Tribunal

I,
having been appointed as the Chairperson/Member (strike out whichever is not applicable) do hereby solemnly affirm/swear in the name of God, that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/Member (strike out whichever is not applicable) of the Goa Real Estate Appellate Tribunal except as may be required for the due discharge of my duties as the Chairperson/Member. (strike out whichever is not applicable).

(Name of the Chairperson/Member)
Dated : Goa Real Estate Appellate Tribunal.

FORM-III

(See rule 8)

Declaration against acquisition of any adverse financial or other interest

I,
having been appointed as the Chairperson/Member (strike out whichever is not applicable) of the Goa Real Estate Appellate Tribunal, do hereby solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (strike out whichever is not applicable) of the Goa Real Estate Appellate Tribunal.

(Name of the Chairperson/Member)
Dated: Goa Real Estate Appellate Tribunal

By order and in the name of the Governor
of Goa.

J. Ashok Kumar, IAS, Director & ex officio
Add. Secretary (Urban Development).

Panaji, 16th October, 2017.

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